

46 Am. Jur. 2d Judges § 241

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Judges

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XII. Special, Substitute, or Pro Tem Judges

B. Selection of Judge

§ 241. Exchange of judges

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  25(1)

Forms

Forms relating to pro tem, substitute, or special judges, generally, see Am. Jur. Pleading and Practice Forms, Judges [\[Westlaw®\(r\) Search Query\]](#)

Under some constitutions and statutes, when it is deemed to be expedient, judges may exchange districts or hold court for or with each other.¹ The constitutionality of such statutes, wherever the administration of justice requires, has generally been upheld,² even where the constitution requires judges to be elected by the electors of their districts.³ Such exchanges are valid, whether between courts adjudicating different fields of law,⁴ judges of courts of the same territorial jurisdiction,⁵ or courts of different governmental units.⁶ However, a presiding judge would not be permitted to choose the judge with whom to exchange circuits in a matter in which the judge would be personally affected, such as a grand jury inquiry into the activities of the presiding judge.⁷

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Footnotes

- ¹ [York v. State](#), 91 Ark. 582, 121 S.W. 1070 (1909); [Randel v. State](#), 153 Tex. Crim. 282, 219 S.W.2d 689 (1949) (holding such provision applicable to criminal cases).

- 2 People v. Benedict, 13 Ill. 2d 320, 148 N.E.2d 782 (1958); Duncan v. T. I. McCormack Trucking Co., 31
N.J. Super. 480, 107 A.2d 71 (County Ct. 1954).
- 3 Madden v. City of Chicago, 283 Ill. 165, 119 N.E. 60 (1918).
- 4 People ex rel. Gregg v. Tauchen, 415 Ill. 91, 112 N.E.2d 94 (1953).
- 5 Pike v. City of Chicago, 155 Ill. 656, 40 N.E. 567 (1895).
- 6 Chicago Land Clearance Commission v. White, 411 Ill. 310, 104 N.E.2d 236 (1952).
- 7 State v. George, 250 Ark. 968, 470 S.W.2d 593 (1971).

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